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Part VIII

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Final Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Final Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes special migratory bird hunting regulations to be established for certain tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands. This season begins as early as September 1. This rule also makes final the guidelines employed to establish the special regulations.

EFFECTIVE DATE: This rule takes effect on September 1, 1988.

ADDRESSES: Comments received on the proposed special hunting regulations and tribal proposals are available for public inspection during normal business hours in Room 536, 1717 H Street, NW., Washington, DC. Communications regarding the documents should be addressed to: Director (FWS/MBMO), Room 536, Matomic Building, U.S. Fish and Wildlife Service, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Rollin D. Sparrowe, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 *et seq.*), authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported or transported.

In the July 22, 1988 **Federal Register** (53 FR 27728), the U.S. Fish and Wildlife Service (hereinafter the Service) proposed special migratory bird hunting regulations for the 1988–89 hunting season for certain Indian tribes, under the interim guidelines described in the June 4, 1988 **Federal Register** (at 50 FR 23467). The guidelines were developed in response to tribal requests for Service recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal members and nonmembers on their reservations. The guidelines include possibilities for: (1) On-reservation hunting by both tribal members and nonmembers, with hunting by nontribal members on some reservations to take place within Federal frameworks but on dates different from those selected by the surrounding State(s); (2) on-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and (3) off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits. In all cases, the regulations established under the guidelines would have to be consistent with the March 10–September 1 closed season mandated by the 1916 Migratory Bird Treaty with Canada. Tribes that desired special hunting regulations in the 1988–89 hunting season were requested in the January 21, 1988 **Federal Register** (53 FR 1645) to submit a proposal that included details on: (1) Requested season dates and other regulations to be observed; (2) harvest anticipated under the requested regulations; (3) methods that will be employed to measure or monitor harvest; (4) steps that will be taken to limit level of harvest, where it could be shown that failure to limit such harvest would impact seriously on the migratory bird resource; and (5) tribal capabilities to establish and enforce migratory bird hunting regulations. No action is required if a tribe wishes to observe the hunting regulations that are established by the State(s) in which an Indian reservation is located. The guidelines have been used successfully since the 1985–86 hunting season, and they are made final in this document, as was proposed in the July 22, 1988 **Federal Register** (53 FR 27728).

In the July 22, 1988 proposed rule, the Service pointed out that duck hunting regulations for the upcoming season likely would be more restrictive than in the 1987–88 hunting season because of a reduced fall flight caused by drought. Recently completed surveys on the breeding ground have confirmed the expected decline. Although duck hunting regulations not have been established yet for the late season, they can be expected to be much more restrictive than last year.

Comments and Issues Concerning Tribal Proposals

Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin

In an August 8, 1988, letter, C.D. Besadny, Secretary, Wisconsin Department of Natural Resources, commented on the proposed 1988–89 migratory bird hunting regulations for Chippewa Indians on ceded lands in the State. Among other things, Mr. Besadny requested that the opening of the duck season be delayed one week (from September 19 to September 26), that the Canada goose season open on the same date as the duck season, and that the special scaup-only season be cancelled. In the July 22, 1988 **Federal Register** (53 FR 27728), the Service pointed out that the fall flight of ducks would be much lower than usual this year, and indicated that, for conservation purposes, duck harvest should be reduced. The Great Lakes Indian Fish and Wildlife Commission agreed with this request, and on August 9, 1988, notified the Service that a September 26 opening of the duck season was acceptable to the tribes. The delayed opening also will apply to coots and moorhen, and the special scaup-only season is suspended. The September 19 opening for Canada geese will proceed as proposed, with certain safeguards in place at Wisconsin's Powell Marsh.

As noted in the July 22, 1988 proposed rule, Michigan did not object to the special regulations on ceded lands in the State. However, as was the case last year, Minnesota continues to oppose special regulations for hunting by Chippewa Indians on ceded lands in the State. The Service recognizes Minnesota's concerns but for the reasons discussed in the July 22, 1988 proposed rule, believes that continued carefully regulated seasons for Chippewa Tribal members are appropriate in Minnesota, as well as in Michigan and Wisconsin. Therefore, special regulations for the 1988–89 hunting season are made final in this rule. The regulations take into account the need to reduce the harvest of ducks, and as in the past, the Great Lakes Indian Fish and Wildlife Commission will conduct a survey to monitor the migratory bird harvest by tribal members.

Confederated Salish and Kootenai Tribes, Flathead Indian Reservation, Pablo, Montana

The Confederated Salish and Kootenai Tribes and the Montana Department of Fish, Wildlife and Parks are continuing the negotiations

discussed in the July 22, 1988 **Federal Register** (53 FR 27728). The Service notes, however, that there is no disagreement over the waterfowl hunting regulations requested by the tribes for the 1988–89 season, and they are made final in this rule.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES–75–74)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 25241). A supplement to the final environmental statement "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (SEIS) 88–14)" was filed on June 9, 1988, and notice of availability was published in the **Federal Register** on June 16, 1988 (53 FR 22582) and June 17, 1988 (53 FR 22727). In addition, an August 1985 environmental assessment entitled "Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands" is available from the Service.

Nontoxic Shot Regulations

On December 14, 1987 (at 52 FR 47428), the Service proposed nontoxic shot zones for the 1988–89 waterfowl hunting season. This proposed rule was sent to all affected tribes and to Indian organizations for comment. The final rule on nontoxic shot zones for the 1988–89 hunting season was published on June 28, 1988 in the **Federal Register** (53 FR 24284). All of the hunting regulations covered by this final rule are in compliance with the Service's nontoxic shot restrictions.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act" (and shall) "insure that any action authorized, funded or carried out * * * is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat * * *." Consequently, the Service initiated section 7 consultation under the Endangered Species Act for the proposed hunting season on Federal Indian reservations and ceded lands.

On August 8, 1988, the Division of Endangered Species and Habitat Conservation notified the Office of Migratory Bird Management of its concurrence with the finding that the proposed action will not affect any listed species or any critical habitat.

Regulatory Flexibility Act, Executive Order 12291, and the Paperwork Reduction Act

In the March 9, 1988 **Federal Register** (53 FR 7702), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis, and publication of a summary of the latter. These regulations have been determined to be major under Executive Order 12291, and they have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act. This determination is detailed in the aforementioned documents which are available on request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Room 536, Matomic Building, Washington, DC 20240. These regulations contain no collection of information subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980.

Memorandum of Law

The Service published its Memorandum of Law, required by section 4 of Executive Order 12291, in the **Federal Register** dated August 9, 1988 (53 FR 29897).

Authorship

The primary author of this final rule is Fant W. Martin, Office of Migratory Bird Management, working under the direction of Rollin D. Sparrowe, Chief.

Regulations Promulgation

The rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the proposed hunting regulations for certain tribes were published on July 22, 1988, the Service established the longest period possible for public comments. In doing this, the Service recognized that time would be of the essence. The comment period provided the maximum amount of time possible while ensuring that a final rule was published before the beginning of the hunting season on September 1, 1988.

Therefore, under the authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 *et seq.*), the Service prescribes final hunting regulations for certain tribes on Federal Indian reservations (including off-reservation trust lands), and ceded lands. The regulations specify the species to be hunted and establish season dates, bag and possession limits, season length, and shooting hours for migratory game birds other than waterfowl. However, final Federal frameworks for the waterfowl hunting season (opening and closing framework dates, daily bag and possession limits, etc.) are planned for publication on September 13, 1988. Because it was necessary to publish this document by September 1, 1988 most waterfowl regulations for the tribes listed here are shown as "within final Federal frameworks to be established."

Therefore, for the reasons set out above, the Service finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and this final rule, therefore, will take effect on September 1, 1988.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

Accordingly, 50 CFR Part 20 is amended as follows:

For the reasons set out in the preamble, Title 50, Chapter I, Subchapter B, Part 20, Subpart K, is amended as set forth below.

PART 20—[AMENDED]

1. The authority citation for Part 20 continues to read as follows:

Authority: Migatory Bird Treaty Act sec. 3, Pub. L. 65–186, 40 Stat. 755 (16 U.S.C. 701–708h); sec. 3(h), Pub. L. 95–616, 92 Stat. 3112 (16 U.S.C. 712).

(Editiorial Note.—The following annual hunting regulations provided for by § 20.110 of 50 CFR Part 20 will not appear in the Code of Federal Regulations because of their seasonal nature).

2. Section 20.110 is revised to read as follows:

§ 20.110 Seasons, limits and other regulations for certain Federal Indian reservations, Indian Territory, and ceded lands.

(a) *Jicarilla Indian Reservation, Dulce, New Mexico* (Tribal Members and Nonmembers).

(1) *Ducks (including Mergansers).*

Season Dates: Earliest opening date and longest season permitted Pacific Flyway States under final Federal frameworks to be announced.

Daily bag and possession limits: Same as permitted Pacific Flyway States

under final Federal frameworks to be announced.

(2) *Goose Season Closed on All Species.*

(3) *General Conditions*: Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (duck stamp) signed in ink across the face. Special regulations established by the Jicarilla Apache Tribe also apply on the reservation.

(b) *Navajo Indian Reservation, Window Rock, Arizona* (Tribal Members and Nonmembers).

(1) *Ducks (including Mergansers).*

Season Dates: Earliest opening date and longest permitted Pacific Flyway States under final Federal frameworks to be announced.

Daily Bag and Possession Limits: Same as permitted Pacific Flyway States under final Federal frameworks to be announced.

(2) *Canada Geese (Season closed on other geese).*

Season Dates: December 17–January 8.

Daily Bag and Possession Limits: 2 daily. Possession limit 4.

(3) *Coots and Common Moorhens (Gallinule).*

Season Dates: Same as for ducks.

Daily Bag and Possession Limits: Same as permitted Pacific Flyway States under final Federal frameworks to be announced.

(4) *Common Snipe.*

Season Dates: Same as for ducks.

Daily Bag and Possession Limits: 8 daily. Possession limit 16.

(5) *Band-tailed Pigeons.*

Season Dates: September 1–September 30.

Daily Bag and Possession Limits: 5 daily. Possession limit 10.

(6) *Mourning Doves and White-winged Doves.*

Season Dates: September 1–September 30.

Daily Bag and Possession Limits: 10 mourning and white-wing doves daily in the aggregate, of which no more than 6 may be white-winged doves.

Possession limit after opening day is 20 mourning and white-winged doves in the aggregate, of which no more than 12 may be white-winged doves.

(7) *General Conditions*: Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (duck stamp) signed in ink across the face. Special regulations established by the Navajo Nation also apply on the reservation.

(c) *Fort Hall Indian Reservation, Fort Hall, Idaho* (Nontribal Members Only).

(1) *Ducks (including Mergansers).*

Season Length and Dates: Begin continuous season on October 8, with longest season permitted Pacific Flyway States under final Federal frameworks to be announced.

Daily Bag and Possession Limits: Same as permitted Pacific Flyway States under final Federal frameworks to be announced.

(2) *Geese (Canada, Blue, Snow, Ross', White-fronted):*

Season Length and Dates: Begin continuous season on October 8, with longest season permitted Idaho under final Federal frameworks to be announced.

Daily Bag and Possession Limits: Same as permitted Idaho under final Federal frameworks to be announced.

(3) *Common Snipe.*

Season Length and Dates: Same as for ducks.

Daily Bag and Possession Limits: 8 daily. Possession limit 16.

(4) *General Conditions*: Nontribal members will comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (duck stamp) signed in ink across the face. Special regulations established by the Shoshone-Bannock Tribes also apply on the reservation.

(d) *Fort Apache Indian Reservation, Whiteriver, Arizona* (Tribal Members and Nonmembers).

(1) *Ducks (including Mergansers).*

Season Length and Dates: Latest closing date and longest season permitted Pacific Flyway States under final Federal frameworks to be announced.

Daily Bag and Possession Limits: Same as permitted Pacific Flyway States under final Federal frameworks to be announced.

(2) *Geese (Canada, Blue, Snow, Ross', White-fronted).*

Season Length and Dates: Latest closing date and longest season permitted Arizona under final Federal frameworks to be announced.

Daily Bag and Possession Limits: Same as permitted Arizona under final Federal frameworks to be announced.

(3) *Coots and Common Moorhens (Gallinule).*

Season Dates: Same as for ducks.

Daily Bag and Possession Limits: Same as permitted Pacific Flyway States under final Federal frameworks to be announced.

(4) *Common Snipe.*

Season Length and Dates: Same as for ducks.

Daily Bag and Possession Limits: 8 daily. Possession limit 16.

(5) *Mourning Doves.*

Season Length and Dates: September 1–11 and November 21–January 8.

Daily Bag and Possession Limits: September 1–11: Daily bag limit is 10 mourning and white-winged doves in the aggregate, of which no more than 6 may be white-winged doves. Possession limit is 20, of which no more than 12 may be white-winged doves. November 21–January 8: 10 mourning doves only daily. Possession limit 20.

(6) *White-winged Doves.*

Season Dates: September 1–11.

Daily Bag and Possession Limits: 6 daily. Possession limit 12.

(7) *Band-tailed Pigeons.*

Season Dates: October 7–November 5.

Daily Bag and Possession Limits: 5 daily. Possession limit 10.

(8) *General Conditions*: Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (duck stamp) signed in ink across the face. Special regulations established by the White Mountain Apache Tribe also apply on the reservation.

(e) *Colorado River Indian Reservation, Parker, Arizona* (Tribal Members and Nonmembers).

(1) *Ducks (including Mergansers).*

Season Length and Dates: Same as Colorado River Zone in California.

Daily Bag and Possession Limits: Same as Colorado River Zone in California.

(2) *Geese (Canada, Blue, Snow, Ross', White-fronted).*

Season Length and Dates: Same as Colorado River Zone in California.

Daily Bag and Possession Limits: Same as Colorado River Zone in California.

(3) *Coots and Common Moorhens (Gallinule).*

Season Dates: Same as for ducks in Colorado River Zone in California.

Daily Bag and Possession Limits: Same as Colorado River Zone in California.

(4) *Common Snipe.*

Season Length and Dates: Same as for ducks in Colorado River Zone in California.

Daily Bag and Possession Limits: 8 daily. Possession limit 16.

(5) *Mourning Doves and White-winged Doves.*

Season Length and Dates: Same as Colorado River Zone in California.

Daily Bag and Possession Limits: Daily bag limit is 10 and possession limit is 20, singly or in the aggregate of the two species.

(6) *General Conditions:* Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (duck stamp) signed in ink across the face. Special regulations established by the Colorado River Indian Tribes also apply on the reservation.

(f) *Penobscot Indian Nation, Old Town, Maine* (Tribal Members and Nonmembers).

(1) *Ducks:* Same species, season dates, season length, and daily bag and possession limits as regular duck season in Maine.

(2) *Geese*: Same species, season dates, season length, and daily bag and possession limits as regular goose season in Maine.

(3) *General Conditions*: (i) Tribal members may hunt waterfowl (ducks and geese) on Penobscot Indian Territory under special sustenance regulations during the 1988–89 hunting season. Sustenance season dates are September 17–November 30. The daily bag limit in the sustenance season is 4 ducks, including no more than 1 black duck and 2 wood ducks. The daily bag limit for geese is 3 Canada geese, 3 snow geese, or 3 in the aggregate. When the sustenance and Maine's general waterfowl season overlap, the daily bag limit for tribal members is only the larger of the two daily bag limits.

(ii) Possession limits on ducks and geese during the tribal sustenance season are applicable only to transportation and do not include birds which are cleaned, dressed, and at a member's residence.

(iii) Tribal members shall comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking, except during the sustenance season, tribal members shall be permitted to hunt one-half hour before sunrise to one-half hour after sunset.

(iv) Each tribal and nontribal waterfowl hunter 16 years of age or over must possess and carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (duck stamp), signed in ink across the face.

(v) Nontribal members hunting waterfowl on Penobscot Indian Territory shall comply with all Federal and State hunting regulations. Special regulations established by the Penobscot Indian Nation also apply on Penobscot Indian Territory.

(g) *Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin* (Tribal Members Only).

(1) *Ducks (including Mergansers).*

Wisconsin and Minnesota Zones:

Season Dates: Begin September 26. End with closure of Wisconsin duck season.

Daily Bag and Possession Limits: Same as permitted Wisconsin under final Federal frameworks to be announced.

Michigan Zone: Same dates, season length, and daily bag and possession limits permitted Michigan under final Federal frameworks to be announced.

(2) *Canada Geese.*

Wisconsin and Minnesota Zones:

Season Dates: Begin September 19. End with closure of Wisconsin duck season.

Daily Bag and Possession Limits: 3 daily. Possession limit 6.

Michigan Zone:

Season Dates: Same opening date and season length permitted Michigan under final Federal frameworks to be announced.

Daily Bag and Possession Limits: 3 daily. Possession limit 6.

(3) *Other Geese (Blue, Snow, and White-fronted).*

Wisconsin and Minnesota Zones:

Season Dates: Begin September 19. End with closure of Wisconsin duck season.

Daily Bag and Possession Limits: Same as permitted Wisconsin under final Federal frameworks to be announced.

Michigan Zone: Same dates, season length, and daily bag and possession limits permitted Michigan under final frameworks to be announced.

(4) *Coots and Common Moorhens (Gallinule).*

Wisconsin and Minnesota Zones:

Season Dates: Begin September 26. End with closure of Wisconsin duck season.

Daily Bag and Possession Limits: 20 daily, singly or in the aggregate. Possession limit 40.

Michigan Zone: Same dates, season length, and daily bag and possession limits permitted Michigan under final Federal frameworks to be announced.

(5) *Sora and Virginia Rails.*

Wisconsin and Minnesota Zones:

Season Dates: Begin September 19. End with closure of Wisconsin duck season.

Daily Bag and Possession Limits: 25 daily, singly or in the aggregate. Possession limit 25.

Michigan Zone: Same dates, season length, and daily bag and possession limits permitted Michigan under final Federal frameworks to be announced.

(6) *Common Snipe.* Wisconsin and Minnesota Zones:

Season Dates: Begin September 19. End with closure of Wisconsin duck season.

Daily Bag and Possession Limits: 8 daily. Possession limit 16.

Michigan Zone: Same dates, season length, and daily bag and possession limits permitted Michigan under final Federal frameworks to be announced.

(7) *Woodcock.*

Wisconsin and Minnesota Zones:

Season Dates: September 10-November 14.

Daily Bag and Possession Limits: 5 daily. Possession limit 10.

Michigan Zone:

Season Dates: September 15-November 14.

Daily Bag and Possession Limits: 5 daily. Possession limit 10.

(8) *General Conditions:* (i) While hunting waterfowl, a tribal member must carry on his/her person a valid tribal waterfowl hunting permit. (ii) Tribal members will comply with all basic Federal migratory bird hunting regulations, 50 CFR Part 20, and shooting hour regulations, 50 CFR part 20, Subpart K. If shooting hours are changed during the late season, tribal members will observe the new shooting hours after the late season begins in the affected States. Prior to the opening of the late season, however, tribal members may hunt migratory birds from one-half hour before sunrise to sunset.

(iii) Nontoxic shot will be required for all off-reservation hunting by tribal members of waterfowl, coots, moorhens, and gallinules.

(iv) Tribal members in each zone will comply with State regulations providing for closed and restricted waterfowl hunting areas.

(v) *Wisconsin Zone.* Tribal members will comply with NR 10.09 (1)(a) (2) and (3), Wis. Adm. Code (shotshells), sec. NR 10.12 (1)(C), Wis. Adm. Code (shooting from structures), sec. NR 10.12 (1)(g), Wis. Adm. Code (decoys), and sec. 29.27 Wis. Stats. (duck blinds). The Canada goose season at Powell Marsh

will begin on September 19. A tribal quota of 25 Canada geese will be in effect until September 25, or until daily censuses by Great Lakes Indian Fish and Wildlife Commission or Wisconsin Department of Natural Resources employees indicate that at least 300 Canada geese are in the area, whichever comes first. If the tribal quota is reached before September 25 or before 300 Canada geese are present, Powell Marsh will be closed to tribal hunting until September 25. Thereafter, the tribal season will resume without a quota and with a daily bag limit of 3 Canada geese.

(vi) *Minnesota Zone.* Tribal members will comply with M.S. 100.29, Subd. 18 (duck blinds and decoys).

(vii) Possession limits are applicable only to transportation and do not include birds which are cleaned, dressed, and at a member's primary residence. For purposes of enforcing bag and possession limits, all migratory birds in the possession or custody of tribal members on ceded lands will be considered to have been taken on those lands unless tagged by a tribal or State conservation warden as having been taken on-reservation. In Wisconsin, such tagging will comply with sec. NR 19.12, Wis. Adm. Code. All migratory birds which fall on reservation lands will not count as part of any off-reservation bag or possession limit.

(h) *Flathead Indian Reservation, Pablo, Montana* (Nontribal Members Only).

(1) *Ducks (including Mergansers):* Same species, season dates, season length, and daily bag and possession limits as permitted Pacific Flyway portion of Montana under final Federal frameworks to be announced.

(2) *Geese:* Same species, season dates, season length, and daily bag and possession limits as permitted Pacific Flyway portion of Montana under final Federal frameworks to be announced.

Special Exception for Geese: A special early closure for all goose hunting will begin at sunset, November 30, 1988, within the following area: Those portions of Flathead, Lake, and Sanders counties beginning at Ravalli, thence north along U.S. Highway 93 to Polson and Elmo, thence West and South on State Highway 28 to the junction of State Highway 382 near Hot Springs, and South along said highway to Perma, thence east along State Highway 200 to Ravalli, the point of origin.

(3) *General Conditions:* Nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (duck stamp), signed in ink across the face. Special regulations established by the Confederated Salish and Kootenai tribes also may apply on the reservation.

Date: August 15, 1988.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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